REMARKS

Upon entry of the amendments in this paper, claims 1, 3, 4-10, 12, 13, 15, 17-32 will be pending in the above-identified application. Claim 14 is herein cancelled without prejudice or disclaimer. Claims 8 and 12 are herein amended. Support for the amendments is detailed below. Claims 30-32 are herein added. Support for the new claims is at least found at page 10, line 19 to page 12, line 16 and page 24, lines 19-20. No new matter is entered.

It is respectfully submitted that this paper is fully responsive to the Office action mailed on September 18, 2008.

Applicants' Response to the Claim Objections

Claims 12 and 14 are objected to as being in improper dependent form for failing to further limit the subject matter of a previous claim.

Specifically, the objection maintains that the limitations of "uniaxially stretched" and uniaxially aligned" are already present in the limitation of "uniaxial birefringence due to uniaxial stretching" recited in parent claim 8 by the last amendment. In response thereto, applicants have deleted the duplicative subject matter from claim 12 and cancelled claim 14.

Applicants' Response to the Claim Rejections under 35 U.S.C. §112

Claims 8-10, 12-15, 25 and 28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the rejection maintains that parent claim 8, recites the broad recitation of "an organic matrix", and the claim also recites "the translucent polymer" which is the narrower statement of the range/limitation. In response thereto, Applicants have replaced "an organic matrix" with --a translucent polymer--.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103

Claims 1, 3, 8-10, 12, 17-18, 26, 28-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Land (US 2,454,515) in view of Kawazu (US 2002/0186469).

In response thereto, applicants respectfully submit that the present invention is not obvious on at least the grounds that there is no reason with a rational underpinning whereby one of skill in the art could combine the teachings of Land with those of Kawazu to derive the currently claimed invention.

Under U.S. law, as quoted in the M.P.E.P. §2141.III.:

> The Court quoting *In re Kahn,* 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "'[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

The rejection has been modified from the prior rejection based on Land to now include Kawazu. Specifically, the rejection relies on the teachings of Kawazu to cover the features of the particle size and dimensions added by the last amendment of July 16, 2008.

In regard to the teachings of the new secondary reference, Kawazu, the rejection cites to its disclosure of a example at paragraphs [0098] to [0103]. The example describes the formation of a silicon dioxide film with fine gold particles dispersed therein by a dip coating process. See paragraph [0100]. The rejection asserts that Kawazu teaches that metallic salts such as gold salt is reduced within a matrix to form fine gold metallic particles with an average particle diameter of 6 nm and an aspect ratio of 1.2 and thus teaches these features of amended claims 1 and 8. The rejection combines these disclosures of Kawazu with the previously relied upon disclosures of Land.

In response thereto, applicants respectfully submit that there is no basis whereby one of skill in the art would combine the teachings of Land with those of Kawazu to reach the currently claimed invention. Specifically, Kawazu is directed to a definite sol-gel process being used to form gold particles into a SiO_2 film. Kawazu specifically states that the invention thereof is directed to inorganic compounds having higher heat and abrasion resistance and teaches away from use of organic compounds such as those of Land. See paragraph [0004]. Namely, the SiO_2 film of Kawazu is distinctly different from a polymer, such as that of Land. As such there is no basis with a rational underpinning as required by U.S. patent law whereby a skilled artisan would find it obvious to utilize the teachings of Kawazu within an organic compound as set forth in Land. Doing so is contrary to the explicit teachings of at least Kawazu.

Wherefore, applicants respectfully submit that the present invention is not obvious in light of the disclosures of Land and Kawazu.

Claims 19, 23 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Land (US 2,454,515) in view of Kawazu (US 2002/0186469), as applied to claims 1, 3, 8-10, 12, 17-18, 26, and 28-29 above, and further in view of Oshima (US 4,268, 127).

By addressing the rejections of parent claims 1 and 8 as detailed above, likewise the rejections of claims 19, 23 and 25 should be considered addressed by nature of their dependency.

In addition, in regard to claim 23, applicants respectfully submit that the claim is additionally not obvious as there is no reason with a rational underpinning whereby a skilled artisan could incorporate the content of metal fine particles as set forth in the claim. Specifically, the rejection asserts that the content of metal particles is obvious from the description of Oshima. However, Oshima describes a transparent or semi-transparent resin film/an adhesive layer/a color polarizing layer. The content of the metal fine particles relied upon by the rejection are utilized within the transparent or semi-transparent resin film not within the polarizer 3 in Oshima. See Fig. 1; col. 2, line 61 to col. 3, line 15 and col. 5, lines 23-35. As such there is no reason whereby one of skill in the art could derive utilizing the particles within the color polarizing layer or a polarizer layer such as that of Land. Hence, applicants respectfully submit that claim 23 is not obvious for the above reason as well as based on its dependency.

Claims 4-10, 13-15 and 27-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hikmet (US 6,833,166) in view of Kawazu (US 2002/0186469).

In response thereto, applicants respectfully submit that the present invention is not obvious in light of the combination of references for at least the reason that there is no reason

with a rational underpinning whereby a skilled artisan could derive the currently claimed invention based on the combined teachings and the general knowledge of the art.

Similar to the rejection based on Land, the current reejction has added Kawazu to the prior rejection of parent claim 4 based on Hikmet to cover the limitations of particle dimensions set forth by the last amendment. See pages 14-15 of the Office Action. However, Hikmet's matrix does not allow for 6nm sized gold particles as taught by Kawazu.

As noted in the previous response, Hikmet is specifically directed to the formation of quantum dots comprising a CdS complex. As seen in Fig. 3-3 of Hikmet, each individual CdS complex is formed within the polymer matrix. One of skill in the art would clearly understand that the CdS complex must be significantly smaller than 6nm gold particles of Kawazu in order to form this matrix. As such, one of skill in the art would not combine the teachings of Hikmet with those of Kawazu by changing the CdS complex for a gold particle as the rejection requires. Doing so is contrary to the principle of operation of Hikmet and would destroy the intended function of the device of Hikmet. Wherefore, applicants respectfully submit that the present invention is not obvious in light of the combination of Hikmet and Kawazu.

Claims 12, 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hikmet (US 6,833,166) in view of Kawazu (US 2002/0186469), as applied to claims 4-10, 13-15, 27-28 above, and further in view of Oshima (US 4,268, 127).

The rejection's citation to claims 12 and 25 appears to be an error, as these claims do not depend from claim 4 or any of the other claims rejected under Hikmet. In regard to claim 24

applicants respectfully submit that by addressing the rejections of parent claim 4 as detailed above, likewise this rejection should be considered addressed by nature of its dependency.

New Claims

New claims 31 and 32 recite that the film has a stretch ratio of 3 to 30 times. This feature is likewise not derivable based on the combination of cited references. Specifically, paragraph [0102] of Example 1 of Kawazu describes that a sample having a size of 100×20×2.1 mm is stretched by 30 mm in a direction of 100 mm, and gold fine particles dispersed in the polarizer obtained by the stretching having an average particle diameter of 6 nm and an aspect ratio of 1.2 are described. That is, the stretching magnification of Example 1 of Kawazu is 1.2 times. The aspect ratio is 1.5 or more even in Examples 2 to 9 other than Example 1 of Kawazu (the same stretching as that of Example 1).

Contrary, in the present application, the uniaxial stretching ratio can be set at 3 to 30 times. However, since in Kawazu, the matrix is obtained from a sol-gel material, the uniaxial stretching ration cannot be set as high as 3 to 30 times. Specifically, when the uniaxial stretching magnification is set to this level, the aspect ratio of metal fine particles is increased. Hence, the device of Kawazu in combination with the other cited references would not result in the claimed invention.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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